

REMARKS

The Applicant has amended claims 2-7 and 9 by correcting the initial part of the preamble to read - The dual lock apparatus- - instead of "A dual lock apparatus".

Applicant has amended claim 10 in response to the Examiner's objection thereto as set out hereinafter.

The Examiner objected to claim 10 because of an informality on line 16. In response the Applicant has corrected the informality in the manner suggested by the Examiner.

The Examiner rejected claims 1-10 under 35 U.S.C. 102(b) as being anticipated by International Application WO 01/88315 to Keightley. In response, Applicant is filing concurrently herewith a Petition for an Unintentionally Delayed Priority Claim with respect to the PCT case that published as WO 01/88315. A copy of the Petition is attached hereto for the Examiner's review. Applicant states that the present application is a continuation-in-part of this cited reference and that, consequently, International Application WO 01/88315 cannot be cited against the instant application.

In summary, the facts behind the delayed priority claim are as follows:

Applicant filed the following applications:

Australian Application PC 7576, filed May 18, 2000

PCT/AU01/00579, filed May 18, 2001 claiming priority from PQ 7576

US 10/276,574, filed November 14, 2002, national stage of PCT/AU01/00579, now Patent No. 6,964,183.

and

Australian Application No. AU 2002953027, filed November 29, 2002

PCT/AU03/01596, filed December 1, 2003, claiming priority from AU2002953027

US 10/536,615, filed May 26, 2005 - national stage of PCT/AU03/01596.

Applicant's Australian attorneys only recently advised Applicant's US attorneys that the Australian Application AU 2002953027 is a continuation-in-part of PQ 7576. Consequently, PCT/AU01/00579 is a continuation-in-part of PCT/AU03/01596 and, therefore, the present application is a continuation-in-part of Application Serial No. 10/276,574. This matter was only brought to light by the issuance of the office action of March 2, 2007.

Applicant submits that Applicant is entitled to claim priority from US 10/276,574, in that the instant application, filed May 26, 2005, was co-pending with Application No. 10/256,574, the latter case having an effective filing date of May 18, 2000 and an issue date of November 11, 2005. Furthermore, the instant application, the US Application No. 10/276,574, International Application No. PCT/AU01/00579 and Australian Application No. PQ7576 all named Kym John Keightley as the sole inventor of the invention disclosed and claimed therein.

Applicant respectfully submits that inasmuch as the instant application is a continuation-in-part of the US National Stage filing of PCT/AU01/00579, published as WO 01/88315, this reference cannot be validly cited against claims 1-10 under 35 U.S.C. 102(b). Applicant respectfully requests that this rejection be withdrawn and that

claims 1-10 be allowed.

Should the Examiner wish to discuss this matter, he is invited to contact the undersigned at (330) 244-1174.

Respectfully submitted at Canton, Ohio this 2nd day of August, 2007.

SAND & SEBOLT

A handwritten signature in cursive script, appearing to read "Fiona Ferguson", followed by a horizontal line.

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Docket No. 1849023US1ANP

Enclosures - Copy of concurrently filed Petition